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10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 THE BANK OF NEW YORK MELLON  
13 TRUST COMPANY, N.A. F/K/A THE BANK  
14 OF NEW YORK TRUST COMPANY, N.A.  
15 AS SUCCESSOR-IN-INTEREST TO  
16 JPMORGAN CHASE BANK N.A. F/K/A  
17 JPMORGAN CHASE BANK, AS TRUSTEE  
18 FOR MASTR ADJUSTABLE RATE  
19 MORTGAGES TRUST 2004-9, MORTGAGE  
20 PASS-THROUGH CERTIFICATES, SERIES  
21 2004-9,

22 Plaintiff,

23 vs.

24 FIDELITY NATIONAL TITLE GROUP,  
25 INC.; CHICAGO TITLE INSURANCE  
26 COMPANY,

27 Defendants.

Case No.: 2:20-cv-01394-JCM-BNW

**STIPULATION AND ORDER TO  
EXTEND TIME PERIOD TO RESPOND  
TO CHICAGO TITLE INSURANCE  
COMPANY'S OPPOSITION TO  
COUNTERMOTION FOR PARTIAL  
SUMMARY JUDGMENT [ECF No. 42]**

**[First Request]**

28 Plaintiff, The Bank of New York Mellon Trust Company, N.A. f/k/a The Bank of New York Trust Company, N.A. as successor-in-interest to JPMorgan Chase Bank N.A. f/k/a JPMorgan Chase Bank, as Trustee for MASTR Adjustable Rate Mortgages Trust 2004-9, Mortgage Pass-Through Certificates, Series 2004-9 ("BONY Trustee"), and Defendant,

Chicago Title Insurance Company (“Chicago Title”) (collectively, the “Parties”), by and through their counsel of record, hereby stipulate and agree as follows:

1. On July 27, 2020, BONY Trustee filed its Complaint [ECF No. 1-1];
2. On December 11, 2020, Chicago Title filed a Motion to Dismiss [ECF No. 31];
3. On December 24, 2020, BONY Trustee filed an Opposition to Chicago Title’s Motion to Dismiss and Countermotion for Partial Summary Judgment [ECF Nos. 32 and 33];
4. On February 11, 2021, Chicago Title filed its Reply in Support of its Motion to Dismiss and Opposition to Countermotion for Partial Summary Judgment [ECF Nos. 41 and 42];
5. BONY Trustee contends that it is entitled to file a response to Chicago Title’s Opposition to its Countermotion for Partial Summary Judgment and that its deadline to do so is February 25, 2021;
6. BONY Trustee’s counsel is requesting an extension until March 29, 2021 to respond to Chicago Title’s Opposition;
7. This additional extension is requested to allow BONY Trustee additional time to finalize and file its response to the pending Opposition as lead handling counsel for BONY Trustee continues to recover from an unexpected medical emergency.
8. Counsel for Chicago Title does not oppose the requested extension to the extent that a response is permitted;

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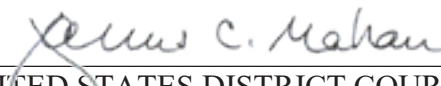
9. This is the first request for an extension which is made in good faith and not for purposes of delay.

**IT IS SO STIPULATED.**

<p>DATED this 25<sup>th</sup> day of February, 2021.</p> <p>WRIGHT, FINLAY &amp; ZAK, LLP</p> <p><u>/s/ Lindsay D. Robbins</u> Lindsay D. Robbins, Esq. Nevada Bar No. 13474 7785 W. Sahara Ave., Suite 200 Las Vegas, NV 89117 <i>Attorneys for Plaintiff, The Bank of New York Mellon Trust Company, N.A. f/k/a The Bank of New York Trust Company, N.A. as successor-in-interest to JPMorgan Chase Bank N.A. f/k/a JPMorgan Chase Bank, as Trustee for MASTR Adjustable Rate Mortgages Trust 2004-9, Mortgage Pass-Through Certificates, Series 2004-9</i></p>	<p>DATED this 25<sup>th</sup> day of February, 2021.</p> <p>SINCLAIR BRAUN LLP</p> <p><u>/s/ Kevin S. Sinclair</u> Kevin S. Sinclair, Esq. Nevada Bar No. 12277 16501 Ventura Blvd, Suite 400 Encino, California 91436 <i>Attorneys for Defendants, Fidelity National Title Group, Inc. and Chicago Title Insurance Company</i></p>
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**IT IS SO ORDERED.**

Dated February 26, 2021.

  
UNITED STATES DISTRICT COURT JUDGE